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**REMARKS**

Claims 41, 43-45, 52-55, 57 and 58 are currently rejected only under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, in accordance with the discussions between the Examiner and the undersigned Attorney of Record, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

The Applicant thanks the Examiner for the interview of April 28, 2004 with respect to the different elements recited in the claims as the "housing 30" and the "shaft 17". As discussed, Fig. 2 shows reference number 17 with an arrow pointing to the "shaft 17", and the reference number 30 pointing to the interior of the closing device, otherwise referred to throughout the specification as the "housing 30". Also reference number 16 points to the closing device 16 in general, and the drainage valve is referenced by number 14.

The claims have been slightly amended to overcome the noted indefiniteness rejection based upon the discussion between the undersigned Attorney of Record and the Examiner regarding elimination of the term "housing" from the independent and dependent claims. The specific recitation of the "housing" has been removed from the claims in order to more clearly define in claim 39 that the interior of the closing device "...houses one of a probe, a measurement detector (27) and a detection apparatus, and prevents the one of the probe, the measurement detector (27) and the detection apparatus from directly contacting contents of the container". By way of explanation, the housing 30, and the shaft 17, are two different elements of the closing device, however the term "housing" in the claim is superfluous in that the claim specifically recites that the closing device "...houses one of a probe, a measurement detector (27). . .".

This amendment to claim 39 is believed to overcome any confusion between the structural elements of the shaft 17, and the housing 30 which is merely the interior of the

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closing device 16. No new matter is believed added by this amendment as the specification clearly describes the closing device 16 housing the probe or detector 27 at least in paragraph 47 of the specification. If any further amendment is necessary to place these claims in condition for allowance, the Examiner is courteously invited to contact the undersigned representative attorney of record to discuss the same.

Further to the Examiner's query regarding whether the blocking head (18) is properly part of the closing device as claimed, the Applicant draws the Examiner's attention to paragraph 37 of the specification:

Drainage valve 14 has a fixed valve body 15 and a closing device 16 that moves inside the valve body between an upper position for opening drainage valve 14 and a lower position for closing it. Closing device 16 comprises a shaft 17 and a blocking head 18.

The blocking head (18) is structurally connected to the shaft 17 of the closing device 16 as shown in Fig. 2, and thus is also necessarily a part of the valve as described in the specification, and as recited in the preamble of claim 39. The enlarged blocking head 18 is the terminal part of the shaft 17 which enables the valve to stop the flow through the valve, i.e. for the valve to have an open and a closed position. The blocking head 18 contains the sensor 28 which is, according to the invention, removable from the inside of the blocking head 18 and shaft 17 without demounting and extracting the whole blocking head 18 and shaft 17 assembly from the valve. By way of further explanation, the Applicant has attached an additional explanatory figure with this response which shows the closing device 16 removed from the valve body 15. As is readily apparent from this explanatory figure, the blocking head 18 is an integral part of the closing device 16, which when inserted in the valve body 15 enables the valve to be open and closed.

Therefore, the current recitations in claims 39 and 41 are believed to clearly structurally define the relative structural relationship between the elements of the closing device 16, i.e., the shaft 17 and the blocking head 18, and functional purposes of the closing device 16 to

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close the valve recited in claim 39. By way of still further explanation, the subject matter of claim 41 recites the sub-elements of the closing device 16 which are necessarily a part of the valve recited in the independent claim 39 as is the nature of the relationship between dependent and independent claims.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised indefiniteness rejection(s) should be withdrawn at this time and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

  
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I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on: May 3, 2004



Scott A. Daniels

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